

REMARKS

The present response is filed with a Request for Continued Examination (RCE) and is to the Office Action mailed in the above-referenced case on November 10, 2003, made Final. Claims 1-13 are pending for examination. The Examiner has objected to claim 6 due to informalities, and has maintained the rejection of the claims as set forth in the previous Office Action dated May 20, 2003, as obvious over Parady in view of McFarling.

Applicant has again carefully studied the prior art references provided by the Examiner, and the Examiner's rejection and statements of the instant Office Action. In response, applicant herein amends claim 6 to overcome the objection, judicially amends the language of the base claims to more specifically recite the multi-streaming processor, and provides further argument that the combined prior art references clearly cannot produce applicant's claimed invention, either singly or in combination.

In the previous response filed by applicant responding to the Office Action dated May 20, 2003, applicant argued that the Examiner does not appreciate the clear distinction between streams and threads in a multi-streaming processor, and as a result, the Examiner's interpretation that it would have been obvious to apply the teaching of McFarling for use in a multi-threaded processor is clearly incorrect.

In response, the Examiner has asserted that applicant may be reading the claims too broadly, and has provided a dictionary definition of the word "stream", which is different from the definition supported by applicant's specification. The Examiner maintains, therefore, that the use of McFarling to show the teaching of a hit/miss predictor, and the application of the teachings of McFarling to those of Parady for producing applicant's claimed invention is therefore proper. Applicant must still respectfully traverse the Examiner's position. Applicant asserts that it is

the Examiner, not applicant, who is reading the claims to broadly. Applicant actually wrote the claims and defined the language of the claims, including "streams" and "threads" by the language of the specification.

Applicant maintains that in the art of endeavor, it is well-known that threads are sequences of commands in a software program, and streams are the hardware resources of a processor which support such flows of data defined as threads. Applicant argues that the fact that the Examiner finds a definition of the term "stream" in a dictionary is completely immaterial to the present case. The dictionary referred to may also have several other definitions of "stream", such as a small river, which is exactly why applicant has very carefully defined the terms "streams" and "threads" in the specification.

Applicant's definition of "stream" is very strictly limited in our teachings, and applicant has very carefully defined and articulated the difference between hardware streams and software threads in the background section of the specification, a portion of which was reproduced for the Examiner in applicant's previous response. Applicant's "stream" is clearly defined as having physical resources for processing multiple software threads simultaneously. In the figures of applicant's specification of the instant application, and those of the prior applications or patents cross-referenced in the specification, multiple physical hardware streams supporting threads, not multiple flows of data (threads), are clearly illustrated, and described in the specification(s), and they are that which support the multiple threads.

Applicant is required by the Patent Law to support the language of the claims by the description in the specification, and applicant has very carefully and thoroughly done so, and applicant considers the standing claims to be limited by our definition of the "streams" Applicant advises the Examiner to confer with his supervisory patent Examiner relative to the Patent Law defining the support of claims by the specification, and applicant is confident that the Examiner will agree that the language of the claims is indeed more than adequately supported by the definitions in the language of the specification.

The Examiner has admitted in his remarks that Parady fails to explicitly disclose a hit/miss predictor as taught in applicant's invention, and has relied on the reference of McFarling for teaching this deficiency. Applicant, however, strongly maintains that the Examiner's combination of the teachings of Parady and McFarling remains improper, as McFarling teaches nothing whatsoever to do with a multistream processor, and the invention of McFarling, therefore, does not have the capability of being obviously practiced in the invention of Parady. McFarling clearly and unarguably does not teach or suggest the capability for practicing the invention in a multi-stream environment, as taught and defined in applicant's specification, and recited in applicant's base claims.

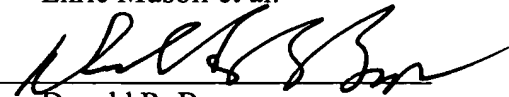
Applicant's independent claims 1, 6, and 11, as judicially amended to more particularly recite the multi-stream processor, are therefore clearly and unarguably patentable over the combined art. Claim 6 has further been amended to overcome the Examiner's objection due to informalities. Depending claims 2-5, 7-10, 12 and 13 are then patentable on their own merits, or at least as depended from a patentable claim.

It is therefore respectfully requested that this application be reconsidered, the claims be allowed, and that this case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully submitted

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by



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